

**Memorandum to the File
Case Closure**

**Alleged Use of Public Office for Private Gain
VA New York Harbor Healthcare System, New York, NY
(2015-00106-1Q-0003)**

The VA Office of Inspector General Administrative Investigations Division investigated an allegation that Dr. (b) (7)(C), New York Harbor Healthcare System, New York, NY, diverted VA patients to his private practice, (b) (7)(C). To assess this allegation, we reviewed both (b) (7)(C) and VA billing, email, and telephone records, and interviewed Dr. (b) (7)(C) his supervisor, a co-worker, and the veteran patient identified in the original complaint. We also reviewed Federal laws and regulations, as well as VA Policy.

Standards of Ethical Conduct for Employees of the Executive Branch require employees to act impartially and not give preferential treatment to any private organization, and to avoid any actions creating the appearance that they are violating the law or ethical standards. 5 CFR § 2635.101(b)(8) and (14). It further states that employees shall not use their public office for their own private gain or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity. Id., at § 2635.702.

Dr. (b) (7)(C) told us that he began his VA employment in (b) (7)(C) and that he was currently the (b) (7)(C). He said that in addition to working at VA, he was the owner and director of (b) (7)(C) his private practice in Brooklyn, NY. He acknowledged knowing the named veteran patient, and said that he treated the veteran patient at both VA and at (b) (7)(C). He said the veteran patient was involved in a motor vehicle accident and that he was referred to his private practice by a "no fault clinic," which is a clinic that often treats and refers patients who were involved in a motor vehicle accident. Dr. (b) (7)(C) told us that he never referred any VA patient to his private practice.

Dr. (b) (7)(C), told us that he had no knowledge of Dr. (b) (7)(C) referring veterans to his private practice. He said that Dr. (b) (7)(C) was a good physician and that he saw more patients in the time he spent working at VA than any other physician in the hospital. He further said that he never had to issue any form of discipline to Dr. (b) (7)(C) or had any reason to question his integrity.

The identified veteran patient told us that Dr. (b) (7)(C) treated him outside of VA but that it was not related to his VA care. He said that he was in a car accident and that an outside physical therapist referred him to Dr. (b) (7)(C) as part of a treatment plan for injuries suffered during the accident. He further said that he was unaware that Dr. (b) (7)(C) had a private practice until the physical therapist did the referral. The

veteran patient told us that Dr. (b) (7)(C) did not have anything to do with his seeking treatment at Dr. (b) (7)(C) private practice.

Email, telephone, and billing records contained no evidence of Dr. (b) (7)(C) diverting veteran patients to his private practice. Billing records reflected that (b) (7)(C) sent no bills to VA, nor did VA pay, for medical services provided to VA veteran patients by (b) (7)(C).

Conclusion

We did not substantiate that Dr. (b) (7)(C) misused his position by directing veteran patients to his private practice. The veteran patient told us that Dr. (b) (7)(C) treated him outside of VA, but that treatment was not related to his VA care. Further, we found no email, telephone or billing records reflecting Dr. (b) (7)(C) referred VA patients to his private practice. This allegation is being closed without issuing a formal report or memorandum.

FOV
Prepared by:

(b) (7)(C)

3/3/15
Date

Approved:

(b) (7)(C)

3/3/15
Date